

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
et al.,

Defendants.

CIVIL NO. 12-2039 (FAB)

**AMENDED JOINT STIPULATION AND [PROPOSED] ORDER FOR AN
INFORMATON SYSTEMS AND TECHNOLOGY
NEEDS ASSESSMENT AND ACTION PLAN**

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (collectively, “the Parties”), with the concurrence of the Monitor and Special Master and in compliance with the Court’s directives at the January 14, 2022, status conference, Mins. of Proceedings ¶ 3, ECF No 1945, enter into this Amended Joint Stipulation for an Information Systems and Technology Needs Assessment and Action Plan (“Amended Joint Stipulation”) to implement the information system and technology (IT) requirements of the Agreement for the Sustainable Reform of the Puerto Rico Police Bureau (“Agreement”), ECF No. 60 (July 13, 2013).

This Amended Joint Stipulation updates the timelines of the Joint Stipulation for an Information Systems and Technology Needs Assessment and Action Plan (“Joint Stipulation”) filed on February 28, 2022, ECF No. 1961, and submits an agreed-upon schedule with interim milestones to accomplish its objectives. The Amended Joint Stipulation is intended to provide a framework to support the Puerto Rico Police Bureau (PRPB) in conducting a comprehensive IT

needs assessment and action plan to achieve compliance with the Agreement and meet the Commonwealth's public safety goals in an efficient and cost-effective manner.

I. BACKGROUND

1. The Parties entered into the Agreement to “ensure that [PRPB] delivers policing services in a manner that upholds civil rights guaranteed by the Constitution and laws of the United States and the Commonwealth of Puerto Rico” and to “promote public safety by providing [PRPB] officers with the tools, guidance, and resources that they need to fight crime effectively.” Recognizing the importance of IT to further these goals, the Agreement requires PRPB to, among other things, “establish information systems and utilize technology to support the implementation of [the] Agreement in an efficient and effective manner.” Agreement ¶ 218; *see also* ¶¶ 219-223.

2. Under the Agreement, the Commonwealth is “responsible for providing or obtaining necessary support and resources to enable [PRPB and the Police Academy] to fulfill their obligations under this Agreement.” *Id.* ¶ 289. The Commonwealth may also contract with outside entities to ensure that PRPB has the necessary technological and analytical capabilities to comply with the Agreement, pursuant to Paragraph 224.¹

3. According to the Monitor's independent assessments, PRPB continues to face difficulties complying with the IT requirements of the Agreement. In his latest assessment, the Monitor found marginal improvement, rating four of the six paragraphs of the Agreement related to IT in non-compliance and two paragraphs in partial compliance. Fifth Court Monitor Rep. at

¹ Paragraph 224 provides, “Nothing in this Agreement shall be construed as prohibiting [PRPB] from contracting services related to technology and data collection, entry, and analysis.” *Id.* ¶ 224.

10-11, ECF No. 1918-2 (Dec. 20, 2021). The Monitor also observed that PRPB's Technology Bureau "continues to lack access to adequate funding and subject matter expert resources. Whether hampered by funding, contracting, or the many other issues the Bureau encounters, PRPB has yet to be able to prove an appreciable level of effective process acumen consistent with technology development and implementation best practices found in the IT industry today. This must change." *Id.* at 10. More recently, the Monitor explained that "PRPB is unlikely to overcome the many conditions that inhibit or prevent its ability to deliver the needed technology and cultural adaptations needed to satisfy the requisite transformation unless dramatic action is taken." Mem. from Monitor on Review of the Puerto Rico Police Bureau IT Action Plan at 2, Ex. 1 to Joint Stipulation, ECF No. 1961-1. The Monitor emphasized the need to support PRPB's Technology Bureau, noting that a plan to overcome obstacles should not fall on its shoulders alone. *Id.*

4. The Court addressed the Commonwealth's compliance with the IT requirements of the Agreement at a status conference on January 14, 2022. After presentations from the Monitor and his subject-matter expert regarding the current state of compliance, the Court instructed the Commonwealth to submit a proposed plan on IT by February 28, 2022. Mins. of Proceedings at ¶ 3, ECF No. 1945 (Jan. 14, 2022). The Parties, Monitor, and Special Master discussed the challenges faced by PRPB at a meeting in Puerto Rico on February 16, 2022, and the Parties have agreed to a pathway that will give PRPB the support and guidance it needs to overcome obstacles and achieve compliance. An integral part of this pathway is the completion of a comprehensive IT needs assessment and action plan by a qualified team. The Parties entered into the Joint Stipulation to provide a framework to complete this task. Following a status

conference on March 24, 2022, the Parties agreed to update the timelines in the Joint Stipulation and submit an amended Joint Stipulation.

II. AMENDED STIPULATION

5. The Parties enter into this Amended Joint Stipulation to update the Joint Stipulation and submit an agreed-upon schedule of interim milestones to meet its objectives. The Joint Stipulation sets forth the steps needed to complete a comprehensive IT needs assessment and action plan to comply with the Agreement in a timely, efficient, and cost-effective manner. An adequate IT needs assessment and action plan are necessary to address the Monitor's compliance findings, address PRPB's critical IT needs, and chart a path toward sustainable reform that is consistent with the Agreement and the Commonwealth's public safety goals. Specifically, the Parties stipulate and agree to the following amended terms:

- a. The Commonwealth shall maintain an executive-level IT planning committee ("IT Planning Committee") to be led by the Executive Director of the Puerto Rico Innovation and Technology Service (PRITS) or their designee, and the Secretary of the Department of Public Safety (DPS) or his designee. The IT Planning Committee shall include representatives from PRPB and other Commonwealth agencies, as necessary, to ensure that PRPB has sufficient administrative, technical, fiscal, and human resources support to comply with the IT requirements of the Agreement. The IT Planning Committee shall be responsible for selecting a qualified team to conduct an IT needs assessment at PRPB and overseeing the development and implementation of an IT action plan designed to comply with the Agreement, as set forth below.
- b. Within twenty (20) calendar days of the Court's approval of this Joint Stipulation, the Parties and Monitor shall discuss and reach agreement on the process, methodology,

and approach to be used by the IT Planning Committee to complete the IT needs assessment and action plan by March 15, 2023, based on an agreed-upon schedule of interim milestones, attached hereto as Exhibit A. The process, methodology, and approach shall cover, at a minimum, the following initiatives based on the agreed-upon schedule for each initiative:

- i. Selection of a qualified team to conduct a comprehensive IT needs assessment of PRPB and develop a proposed IT action plan;
 - ii. Completion of a comprehensive IT needs assessment to include critical needs (such as essential communications equipment for officers, cybersecurity, and proper storage of hardware and software) and other requirements to comply with the Agreement;
 - iii. Completion of an IT action plan to meet PRPB's critical needs and compliance requirements that is timely, cost-effective, and consistent with industry standards and that includes specific steps to achieve compliance, timetables, persons responsible, and expected outcomes; and
 - iv. Ongoing consultation between the Parties and Monitor in the development and implementation of the IT needs assessment and action plan to include approval of the final IT needs assessment and action plan by the United States and the Monitor, and submission to the Court.
- c. The Commonwealth shall file with the Court a final IT action plan that is approved by the United States and the Monitor no later than March 15, 2023.
- d. If the Parties and Monitor are unable to reach agreement on the process, methodology, and approach for the initiatives listed in subparagraph (b), above, or if

the United States or the Monitor do not approve the final IT needs assessment or action plan, either Party or the Monitor may request that the Court resolve the matter.

6. This Amended Joint Stipulation shall be implemented in accordance with the Agreement and the Court's Orders. Nothing in this Joint Stipulation is intended to alter, modify, or substitute any term of the Agreement.

WHEREFORE, the Parties enter into this Amended Joint Stipulation with the concurrence of the Monitor and Special Master in compliance with the Court's directives on January 14, 2022, ECF No. 1945, and respectfully request that the Court adopt and enter the Amended Joint Stipulation as an Order.

WE HEREBY CERTIFY that today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Monitor, the Special Master, and all counsel of record.

RESPECTFULLY SUBMITTED this 12th day of April, 2022,

For Plaintiff UNITED STATES OF AMERICA:

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